

REMARKS

The Claim Amendments

Claim 1 has been amended to further define the term "aliphatic." Support for this amendment is found page 5, lines 24-27. In addition, claim 1 has been amended to correct typographical and punctuation informalities.

Claims 2, 3, 6, 7, 10, 11, and 18 have been amended to improve their form.

Claim 18 has been amended such that compounds IIA-92, IIA-94, IIA-95, IIA-96, IIA-97, and II-188 are no longer recited. Support for this amendment is found in claim 18 as originally filed and in Table 1 of the specification on pages 14-24. Further, typographical errors have been corrected in compounds IIA-141, IIA-177, IIA-178, IIA-179, IIA-180, and IIA-190.

None of these amendments adds new matter. Their entry is requested.

The Response

Restriction Requirement

The Examiner has defined Group I to comprise compounds of formula I, wherein Ht, A-B, R¹, T, Q, R, R², R³, R⁴, R⁶, y, R⁷, R⁸, and R' are as defined in claim 1.

Objections to the Claims

The punctuation and typographical informalities objected to in claim 1 have been corrected in amended claim 1.

Claims 5, 9, and 13 were objected to as being substantial duplicates of the claims from which they depended on. Applicants traverse. Each of claims 4, 8, and 12 is a base claim that recites *one or more* features of a group, whereas each of claims 5, 9, and 13 is a dependent claim that recites all features of the corresponding base claim.

Claims 6-13 were objected to as being dependent upon rejected base claim 1. This objection will be addressed below along with the obviousness-type double patenting rejection.

Claim 18 was objected to as containing non-elected subject matter. Claim 18 has been amended such that compounds II-94, II-95, II-96, II-97, and II-118 are no longer recited. The remaining compounds recited in claim 18 are within the scope of base claim 1.

Rejection Under 35 U.S.C. § 112, First Paragraph

The Examiner has rejected claims 21 and 22 under 35 U.S.C. § 112, first paragraph, for allegedly lacking enablement. The Examiner asserts that the application does not reasonably provide enablement for a pharmaceutical composition comprising the compound of formula I and an anti-viral agent. The Examiner has indicated that this rejection can be overcome by deleting the phrase "an anti-viral agent" from the instant claims.

Claims 21 and 22 have been amended such that they no longer recite compositions that comprise an anti-viral agent, thus obviating this rejection.

Rejection Under 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claim 18 for allegedly being indefinite for failing to particularly point out and claim the subject matter of the invention. Claim 18 has been amended such that all of the recited compounds are within the scope of claim 1, thus obviating this rejection.

Obviousness-type Double Patenting Rejection

The Examiner has provisionally rejected claims 1-9 and 18-22 under the judicially-created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-9 and 11-15 of copending U.S. Application No. 10/919,774 (hereafter, "the '774 application"). The Examiner alleges that the claims of the instant application are not patentably distinct from the '774 application.

Applicants traverse. First, the '774 application has been abandoned. Second, the continuation application that claims priority from the '774 application does not claim pyrrole isoxazoles and the pending claims neither teach nor suggest the instant claims. Thus, the provisional obviousness-type double patenting rejection should be withdrawn.

Rejection under 35 U.S.C. § 103(a)

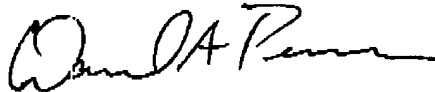
The Examiner has rejected claims 1-9 and 18-22 under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent Application No. 10/919,774 (hereafter, "the '774 application"). Applicants traverse. The instant application has an effective filing date of September 15, 2000. The '774 application has a 35 U.S.C. § 102(e) date of August 15, 2003 and thus does not qualify as prior art. Further, a rejection under 35 U.S.C. § 103(a) must be

based upon a patent or published application. For these reasons, the rejection under 35 U.S.C. § 103(a) is improper.

Conclusion

Applicants request that the Examiner enter the above amendments, consider the matters taken up in the remarks, and allow the claims to pass to issue. Further, applicants request that claims 23 and 27-41 be rejoined with the instant claims when they are indicated as allowable. Should the Examiner deem expedient a telephone discussion to further the prosecution of the above application, Applicants request that the Examiner contact the undersigned.

Respectfully submitted,



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